

House File 72 - Introduced

HOUSE FILE 72

BY HUNTER

A BILL FOR

1 An Act relating to mandatory disclosures in certain political
2 telephone communications, and applying a penalty.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 68A.507 Disclosures related to
2 political telephone communications — legislative findings —
3 definitions.

4 1. For the purposes of this section, unless the context
5 otherwise requires:

6 a. "*Legitimate poll*" means a telephone communication
7 conducted by a polling firm for the purpose of a scientific
8 poll of respondents in order to gauge public opinion concerning
9 a candidate, public office holder, or ballot issue that is part
10 of a series of like telephone communications that utilizes a
11 scientific sampling technique to produce a random sample of
12 respondents.

13 b. "*Political telemarketing*" means the canvassing of persons
14 under the guise of performing a legitimate poll, with the
15 purpose of encouraging support of, or opposition to, a clearly
16 identified candidate for public office or the passage or defeat
17 of a clearly identified ballot issue.

18 2. The general assembly finds that political telephone
19 communication is increasingly used in political campaigns in
20 this state in a deceptive manner, including but not limited
21 to the use of political telemarketing, also known as push-
22 polling, where an anonymous telephone communication is
23 designed to appear as a legitimate poll, but is in fact used
24 to communicate certain negative information related to a
25 candidate or ballot issue. The general assembly declares that
26 a compelling public interest exists to identify the source of
27 funding of telephone communications related to elections in
28 order to prevent corruption and deceit at the expense of the
29 electorate and to preserve accountability for expenditures made
30 in connection with political campaigns.

31 3. A candidate, an authorized representative of a
32 candidate, a candidate's committee, or a political committee
33 that engages either in a telephone communication for the
34 purpose of soliciting contributions or in a telephone
35 communication that has the effect of promoting or opposing the

1 nomination or election of a candidate for public office or the
2 passage of a ballot issue shall disclose all of the following
3 by the end of the telephone communication:

4 *a.* The identity of the individual who is communicating and
5 the entity with which the individual is affiliated, if any.

6 *b.* The individual or entity that paid for the telephone
7 communication. If a candidate's committee or political
8 committee has paid for or authorized the telephone
9 communication, the name of the candidate's committee or
10 political committee shall be disclosed. If any person other
11 than a candidate's committee or political committee has
12 paid for or authorized the telephone communication, the
13 communication shall also state whether or not the communication
14 has been authorized by the candidate intended to benefit from
15 the communication and shall state whether the communication is
16 an independent expenditure.

17 *c.* The name, telephone number, and address of an individual
18 whom the communication recipient can contact for further
19 information regarding the telephone communication.

20 4. An individual who, on behalf of, at the direction of,
21 or in cooperation with a political committee, engages either
22 in a telephone communication for the purpose of soliciting
23 contributions or in a telephone communication that has the
24 effect of promoting or opposing the nomination or election of a
25 candidate for public office or the passage of a ballot issue
26 shall disclose all of the following at the commencement of the
27 telephone communication:

28 *a.* The identity of the individual who is communicating and
29 the entity with which the individual is affiliated, if any.

30 *b.* The individual or entity that paid for the telephone
31 communication. If a political committee has paid for or
32 authorized the telephone communication, the name of the
33 political committee shall be disclosed. If any person
34 other than the candidate, a candidate's committee, or a
35 political committee has paid for or authorized the telephone

1 communication, the communication shall also state whether or
2 not the communication has been authorized by the candidate
3 intended to benefit from the communication.

4 c. The name, telephone number, and address of an individual
5 whom the communication recipient can contact for further
6 information regarding the telephone communication.

7 5. The board shall adopt rules pursuant to chapter 17A
8 establishing procedures to administer this section.

9

EXPLANATION

10 This bill creates new Code section 68A.507 that requires
11 the disclosure of certain information at the commencement
12 of or by the end of political telephone communications that
13 solicit contributions or that have the effect of promoting or
14 opposing a candidate or ballot issue. The caller must disclose
15 the name and affiliation of the caller, the name of the
16 individual or entity that paid for the telephone communication,
17 whether a candidate who will benefit from the communication
18 has authorized the communication, and the name, address, and
19 telephone number of an individual whom the person can contact
20 for further information regarding the communication.

21 Violations of this provision are punishable under Code
22 section 68A.701 as a serious misdemeanor, which carries a
23 penalty of a fine of \$315 to \$1,875, and may also include a
24 sentence of up to one year in jail.

25 The bill also contains definitions of "legitimate poll"
26 and "political telemarketing", and contains a statement of
27 legislative findings regarding political telemarketing and
28 push-polling as described in the bill.